

# **Ex. D**

**Chen's Letter to Judge Broderick on December 27, 2019**

**Chen's Letter to Judge Broderick on February 11, 2020**

**SHAYNE**  
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December 27, 2019

*Via ECF*

Hon. Vernon S Broderick  
United States District Court  
Southern District of New York  
500 Pearl St.  
New York, NY 10007

Re: Ameriway Corp. V May Yan Chen and Ability Customs Inc.  
Case # 19-cv-09407 (VSB) (DCF)  
Request for pre-motion conference

Dear Judge Broderick:

This office represents the defendants in the above referred case. This letter is being written in part, in response to plaintiff's letter to the court dated December 5, 2019 and in part, to request a pre-motion conference for the following relief:

1. To disqualify Xiyan Zhang, Esq., Pete Wolfram, Esq. and Stratum Law, LLC from representing plaintiff in the within lawsuit;
2. Dismissing the lawsuit brought by Ameriway Corp. for lack of standing; and
3. In the event the case is not dismissed for lack of standing, an order dismissing the lawsuit as against Ability Customs, Inc., in that that entity is not involved in any of the transactions that form the basis of plaintiff's claims.

First, with regard to the application by plaintiff for leave to make a motion to dismiss the first counterclaim for "fraudulent inducement", after further review, defendants have elected to voluntarily withdraw that counterclaim against the plaintiff. In the event the lawsuit does proceed, it is anticipated that a stipulation regarding the withdrawal of that counter claim will be executed and filed as appropriate.

With regard to the defendants' applications, the following facts are relevant:

A. Defendant May Yan Chen is a licensed United States customs broker under license number 28573 and operates her business as May Y. Chen d/b/a Ability Customs Brokers (Annexed as exhibit "A" are copies of Chen's Customs Broker license and her customs broker National Permit);

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United States District Court  
Southern District of New York  
500 Pearl St.  
New York, NY 10007

Re: Ameriway Corp. v. May Yan Chen and Ability Customs Inc.  
Case # 19-cv-09407 (VSB) (DCF)  
Request For Permission To File Motion

Dear Judge Broderick:

This office represents the defendants, May Yan Chen and Ability Customs Inc. in the above referred case. This letter is being written to request permission to file a Motion to Dismiss pursuant to FRCP 12(b)(6).

The court may recall that we requested the same relief in our letter of December 27, 2019. (Attached is a copy of said letter). The court gave us permission to file the Motion which was filed on December 31, 2019. Pursuant to the Court's order of January 2, 2020, the Court gave Plaintiff permission to file a Second Amended Complaint to rectify the standing issue raised by Defendants (attached is a copy of the Court's January 2, 2020 order for the court's ready reference).

On January 21, 2020 Plaintiff filed its Second Amended Complaint. Attached is a copy of said Second Amended Complaint.

The correspondence, order, motion, and amended complaint pertain to our Motion:

1. To dismiss the lawsuit brought by Ameriway Corp. for lack of standing.

2. To disqualify Xiyan Zhang, Esq., Pete Wolfram, Esq., and Stratum Law, LLC from representing plaintiff in the within lawsuit.

3. In the event the case is not dismissed for lack of standing, an order dismissing the lawsuit as against Ability Customs, Inc., in that this entity is not involved in any of the transactions that form the basis of plaintiff's claims.